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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF THE COMPETITION
IN THE PROVISIONS OF ELECTRIC
SERVICES THROUGHOUT THE STATE
OF ARIZONA

DOCKET NO. U-0000-94-165

STATEMENT OF CITIZENS
UTILITIES COMPANY IN SUPPORT
OF RUCO'S REQUEST FOR
EVIDENTIARY HEARING AND
PROCEDURAL ORDER

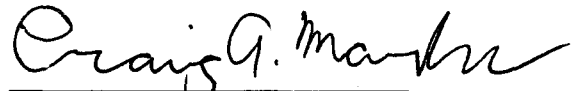
Citizens Utilities Company ("Citizens") generally supports the request of the Residential Utility Consumer's Office ("RUCO") for a procedural schedule that includes formal evidentiary hearings that will allow the Commission to develop an evidentiary record sufficient to allow it to make an informed decision on all remaining contested issues crucial to the electric restructuring process in Arizona.

However, RUCO's motion is internally inconsistent. In the body of its motion, RUCO states that all "interested parties should have the opportunity to formally present evidence in support of their positions and interests" and further states that "[a]ll concerned parties should also be afforded an opportunity to cross-examine witnesses and provide rebuttal evidence." Citizens is in complete agreement with both these statements. At the conclusion of its motion, however, RUCO requests a procedural schedule for "legislative-type, non-adversarial, fact-finding hearings. . . ." Legislative non-adversarial hearings do not allow cross examination or, in many cases, the presentation of rebuttal testimony and are, therefore, the antithesis of the type of hearing Citizens believes is necessary to develop a full and reliable record that will allow the Commission to reach an informed decision on all contested issues. Each interested party must be allowed to develop its own positions and to thoroughly critique and challenge the differing positions of others. Only through such an adversarial process will the Commission be able to separate fact from fallacy and distinguish between theory and reality.

1 For these reasons, Citizens generally supports RUCO's request for a procedural order
2 that includes an evidentiary hearing; however, Citizens believes that such a hearing should
3 be adversarial instead of the legislative-type hearing called for in RUCO's request.

4 DATED: November 21, 1997

5 Respectfully submitted,

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